

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATE OF AMERICA)
)
Plaintiff,)
)
v.) Case No. 07-CR-070-JHP
)
JAMES LEE COVINGTON,)
)
Defendant,)

ORDER AND OPINION

Before the Court are Defendant James Lee Covington's Motion to Determine Competency, For Psychiatric or Psychological Examination and for Report on Psychiatric or Psychological Condition. [Docket No. 14].

In the motion, Defendant alleges that he has a history of mental problems and is being treated with various drugs for his mental problems at the Bureau of Prisons. Defendant alleges that he has not been provided with those medications since being transferred to the Muskogee County jail. Defendant also claims that he has requested to see a doctor at the Muskogee County jail, but that a doctor has not yet been provided. Defendant's counsel, Mr. Weber, expresses his own concerns over Defendant's ability to assist in his own defense, citing Defendant's lack of focus, irrational thinking, and possibly suicidal tendencies. The Government has not filed a response in opposition to the Defendant's motion.

Based upon the representations of Defendant and his counsel, the Court finds that there is reasonable cause to believe that Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. §

4241(a). Accordingly, the motion is GRANTED. The Court orders a psychiatric or psychological examination of Defendant to be conducted, 18 U.S.C. § 4241(b), and commits Defendant to the custody of the Attorney General for placement in a suitable facility for purposes of examination, for a period not exceeding thirty (30) days, unless extended as required by law. 18 U.S.C. § 4247(b). The examiner shall file a report in compliance with 18 U.S.C. § 4247(c). Upon receipt of this report, the Court will set a competency hearing.

In light of the Court's order, the jury trial in this matter, currently set to begin on January 7, 2008 is hereby STRICKEN, to be reset as necessary following the Court's determination as to Defendant's competency to stand trial.

IT IS SO ORDERED this 6th day of December, 2007.



James H. Payne
United States District Judge
Eastern District of Oklahoma